

Plaintiffs State of Arizona, State of West Virginia, State of Alaska, State of Arkansas, State of Idaho, State of Indiana, State of Kansas, Commonwealth of Kentucky, State of Louisiana, State of Missouri, State of Montana, State of Nebraska, State of Oklahoma, State of South Carolina, State of Texas, State of Utah, and State of Wyoming (the “States”) do hereby give Notice that they join in the Motion for Preliminary Injunction and Motion for Permanent Injunction filed by Plaintiffs Morehouse Enterprises, LLC d/b/a Bridge City Ordinance, Eliezer Jimenez, Gun Owners of America, Inc., and Gun Owners Foundation on July 25, 2022 (Doc. 14 and 19) (the “PI Motions”).

The States join in the entirety of the PI Motions and the arguments presented therein. The injunctive relief requested will prevent irreparable harm to the States’ sovereign, quasi-sovereign, and proprietary interests as stated in the Amended Complaint for Declaratory and Injunctive Relief, Doc. 22 (“Am. Compl.”), ¶¶ 11-11.5. The moving party for a preliminary injunction must establish a threat of irreparable harm in the absence of an injunction. *Wildhawk Invs., LLC v. Brava I.P., LLC*, 27 F.4th 587, 593 (8th Cir. 2022) (citation omitted) (*en banc*). Irreparable harm exists in this context where the moving party will experience unrecoverable financial harms as money damages are not available under the Administrative Procedure Act (“APA”), the basis for relief claimed in the PI Motions. PI Motions, Doc. 14-1 at 5-25; *see Dep’t of the Army v. Blue Fox*, 525 U.S. 255 (1999). And the imminent threat of ongoing constitutional violations or of injury to a state’s sovereign or quasi-sovereign interests constitutes irreparable harm. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976); *Maryland v. King*, 567 U.S. 1301, 1303 (2012); *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592, 607 (1982). If the Final Rule is allowed to go into effect, it will cause unrecoverable financial injury to the States because it will diminish their tax revenues. Am. Compl., ¶ 11.2. And the Final Rule will result in injury to

multiple State sovereign and quasi-sovereign interests, including infringing on the States' more permissive laws. Am. Compl., ¶¶ 11.3-11.5. The States are thus also entitled to the relief sought in the PI Motions.

For the foregoing reasons, the States hereby join the PI Motions.

Respectfully submitted this 10th of August, 2022.

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* *Application for Admission Forthcoming*

CERTIFICATE OF SERVICE

I, hereby certify that I have on this day, caused the foregoing document or pleading to be filed with this Court's CM/ECF system, which caused a notice of the filing and a true and correct copy of the same to be delivered to all counsel of record. Additionally, I have caused this to be sent by electronic mail to:

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Dated: August 11, 2022.

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